

Appln. No. 09/943,883  
Amendment dated November 8, 2007  
Reply to Office Action mailed

### REMARKS

Reconsideration is respectfully requested.

Claims 2 through 9, 29 through 34 and 36 through 40 remain in this application. Claims 1, 10 through 23 and 28 have been cancelled. Claims 24 through 27 have been withdrawn. No claims have been added.

The Examiner's rejections will be considered in the order of their occurrence in the Office Action.

#### Paragraphs 3 and 4 of the Office Action

The Abstract has been objected to as not corresponding to the claims as amended.

The Abstract has been amended, and withdrawal of the objection to the Abstract is respectfully requested.

#### Paragraphs 5 and 6 of the Office Action

Claims 2 through 9 and 29 through 40 have been rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinct claim the subject matter which applicant regards to the invention.

It is submitted that the disclosure of the preset application, and especially at page 3, lines 3 through 10, discloses to one of ordinary skill that the "originating user" is a person using the "originating user network appliance", and the reference to "originating user 150" is simply a shorthand reference to "the originating user" using the "originating user network appliance 150", and in fact the specification states that the "originating user network appliance 150 [is] referred to an [the] originating user 150". It is therefore submitted that one of ordinary skill in the art, considering the disclosure, would recognize that the user and the network

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appliance used by the user are different things, even though all actions of the originating user take place through the originating user network appliance (from the perspective of the system).

Amendments have been made to the language of claim 35 that are submitted to clarify the requirements of the claims, and reference is made to the specification at page 2, line 30 through page 3, line 1, which indicates that the elements of the flow diagram of Figure 2 may be implemented by "software, or a combination of hardware, software and firmware", and also to Figure 2, which sets forth the actions recited in claim 35.

Further, the language of claim 35 has been amended to provide more clear reference the antecedent.

Withdrawal of the 35 USC 112 rejection is respectfully requested.

**Paragraphs 7 and 8 of the Office Action**

Claims 2 through 9 and 29 through 40 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Festa, US 2003/0023512.

Initially, it is noted that the rejection must rely upon the filing date(s) of provisional patent application(s) that are referenced in the Festa application, as the Festa application itself was filed after the filing date of the present patent application. Therefore, it is submitted that support for the rejection must be referenced to the provisional patent applications upon which the rejection is based from a priority standpoint.

Claim 35 requires in part, as amended, "an order modification software module configured to accept any order modifications from the selected other users in response to the notification" and "an order review software module configured to provide any order modifications to the originating user for approval by the originating user". These features of the invention, disclosed in the application particularly in Figure 2 and the

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specification at page 5, lines 4 through 23. The claimed requirements permits selected persons other than the originating user to modify the order initiated by the originating user, but the originating user retains the ability to review and approve any modifications, which can be useful in a corporate or institutional setting where a supervisor wishes to allow his or her underlings to indicate their needs in the order, but the supervisor retains control over what is actually ordered.

It is alleged in the rejection of the Office Action that:

Festa discloses an interactive on-line catalog where a network appliance, e.g. 1320, 1504, an accumulator module, e.g. 1324, 1326, 1327, 1414, "presentation layer," a notification module, e.g. 1312, and users, e.g. 1306. Festa does not disclose other select users. However, as understood, multiple users may use the Festa system and be notified of their purchases. To have provided such for Festa would have been obvious to one of ordinary skill in the art as implementing such common knowledge business acumen to streamline sales would have been obvious.

However, nothing in the statement in the Office Action asserts that the Festa patent application discloses or suggests that there is anything corresponding to the "an order review software module configured to provide any order modifications to the originating user for approval by the originating user", required in claim 35. In fact, the Festa patent application appears to be more concerned to providing a website that brings together products from a number of different business units for sale, and not an attempt to aggregate orders that may be originated by one party, modified by other parties, and then reviewed by the originating party.

It is therefore submitted that the Festa patent application would not lead one of ordinary skill in the art to the claimed invention.

Withdrawal of the §103(a) rejection of claims 2 through 9 and 29 through 40 is therefore respectfully requested.

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**CONCLUSION**

In light of the foregoing amendments and remarks, early reconsideration and allowance of this application are most courteously solicited.

Respectfully submitted,

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